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14 IN THE UNITED ST)
15 FOR THE WESTERN D)
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17 THE UNITED STATES OF AMERICA,)
18 Plaintiff,)
19)
20 v.)
21)
22 CLALLAM COUNTY, WASHINGTON,)
23 WASHINGTON DEPARTMENT OF)
24 NATURAL RESOURCES, and the)
25 WASHINGTON NATIONAL GUARD,)
26
27
28 Defendants.)
29

32 The United States of America, by authority of the Attorney General of the United States
33 and through the undersigned attorneys acting at the request of the United States Environmental
34 Protection Agency (EPA), hereby files this Complaint and alleges as follows:

NATURE OF THE ACTION

36 1. This is a civil action brought against Clallam County, Washington, Washington
37 Department of Natural Resources, and the Washington National Guard pursuant to Section 107
38 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”),
Civil Complaint

US Department of Justice
805 SW Broadway, Suite 600
Portland, OR 97205
(503)231-2128

1 42 U.S.C. § 9607. The United States seeks the recovery of costs paid by EPA in response to
2 releases of hazardous substances at the Salt Creek Park Firing Range Site in Clallam County,
3 Washington.

JURISDICTION AND VENUE

5 2. This Court has jurisdiction over the subject matter of this action pursuant to
6 Section 107(a) and 113(b) of CERCLA, 42 U.S.C. §§ 9607(a) and 9613(b), and 28 U.S.C.
7 §§ 1331 and 1345.

8 3. Pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), and 28 U.S.C.
9 § 1391(b), venue is proper in this district because the releases or threatened releases of hazardous
10 substances that give rise to the claims occurred in this judicial district.

DEFENDANTS

12 4. Clallam County, Washington is a political subdivision of the State of Washington.

13 Clallam County is a “person” within the meaning of Section 101(21) of CERCLA, 42 U.S.C.

14 § 9601(21).

15 5. Washington Department of Natural Resources is a Department of the State of
16 Washington. Washington Department of Natural Resources is a “person” within the meaning of
17 Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

18 6. The Washington National Guard is an entity of the State of Washington. The
19 Washington National Guard is a “person” within the meaning of Section 101(21) of CERCLA,
20 42 U.S.C. § 9601(21).

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RELEVANT FACTS

2 7. The Salt Creek Park Firing Range Site (Site) is located in Salt Creek Park
3 Recreation Area and adjacent land in Clallam County, Washington, approximately 16 miles west
4 of the city of Port Angeles, Washington.

5 8. In 1942, the United States Army gained title to the Site and additional adjacent
6 land. The United States Army built Camp Hayden Military Reservation thereupon, which
7 included a shooting range among other structures. The shooting range is located within the Site.

8 9. From approximately 1942 through 1950, the shooting range at the Site was used
9 for target practice by the United States Army.

10 10. In 1950, the Site was conveyed to the United States Coast Guard.

11 11. From approximately 1950 through 1959, the shooting range at the Site was used
12 for target practice by the United States Coast Guard.

13 12. From approximately 1950 through 1959, the United States Coast Guard granted
14 permission to the Washington National Guard, individuals, and civilian shooting groups
15 including the Sportsman's Association and/or the Peninsula Rifle & Pistol Club, to use the
16 shooting range at the Site for target practice.

17 13. From 1958 through 1959, portions of the Site were conveyed to Clallam County,
18 Washington and the remaining portions of the Site were conveyed to Washington Department of
19 Natural Resources.

20 14. From approximately 1958 through 1968, Clallam County, Washington granted
21 permission to the Washington National Guard, individuals, and civilian shooting groups

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- 1 including the Sportsman's Association and/or the Peninsula Rifle & Pistol Club, to use the
- 2 shooting range at the Site for target practice.

3 15. As a result of shooting activities and target practice that took place at the shooting
4 range at the Site, the Site was contaminated with hazardous substances including, but not limited
5 to, lead, copper, and zinc.

6 16. Between 2009 and 2010, the United States conducted removal activities at the

7 Site in response to releases or threats of releases of hazardous substances into the environment.

8 These activities included, but are not limited to, investigations of the conditions at the Site and

9 actions designed to remove and contain the spread of hazardous substances at the Site.

17. The United States has incurred approximately \$827,425.76 in unreimbursed costs
in response to releases and threats of releases of hazardous substances at the Site.

GENERAL ALLEGATIONS

¹³ 18. The Site is a “facility” within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

15 19. Hazardous substances, within the meaning of Section 101(14) of CERCLA, 42
16 U.S.C. § 9601(14), have been generated and/or disposed of at the Site, and have come to be
17 located in the environment at the Site.

18 20. There have been releases or threatened releases of hazardous substances into the
19 environment at and from the Site within the meaning of Sections 101(22) and 107(a) of
20 CERCLA, 42 U.S.C. §§ 9601(22) and 9607(a).

21 21. Defendant Clallam County, Washington is a current owner and/or operator of the
22 Site.

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1 22. Defendant Washington Department of Natural Resources is a current owner
2 and/or operator of the Site.

3 23. Defendant Washington National Guard operated at the Site at the time of the
4 disposal and/or release of hazardous substances at the Site.

5 24. Defendants are within the class of persons described in Section 107(a) of
6 CERCLA, 42 U.S.C. § 9607(a).

7 25. In response to a release or threatened release of a hazardous substance at or from
8 the Site, the United States has, through EPA, incurred "response" costs as defined in Section
9 101(25) of CERCLA, 42 U.S.C. § 9601(25). Such costs have not been fully reimbursed.

CLAIM FOR RELIEF:

12 26. The allegations set forth in paragraphs 1 through 25 are hereby realleged and
13 incorporated by reference.

14 27. Defendants Clallam County, Washington, Washington Department of Natural
15 Resources, and the Washington National Guard are jointly and severally liable under Section
16 107(a) of CERCLA, 42 U.S.C. § 9607(a), for all costs incurred by the United States in response
17 to releases or threats of releases of hazardous substances at the Site.

PRAYER FOR RELIEF

19 WHEREFORE, Plaintiff, the United States of America, respectfully requests that the
20 Court:

21 1. Enter judgment against defendants Clallam County, Washington, Washington
22 Department of Natural Resources, and the Washington National Guard for all costs incurred by
23 the United States in response to releases or threats of releases of hazardous substances at the Site;

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1 and

2 2. Grant such other relief as the Court deems appropriate.

3 Respectfully submitted,

4 JOHN C. CRUDEN
5 Assistant Attorney General
6 Environment and Natural Resources Division
7 U.S. Dept. of Justice
8 Washington, D.C.
9

10 Date: 4/19/2016


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